

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of K.C.H., M.M.H., and J.C.H.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KATHY ANN HENDERSON,

Respondent-Appellant,

and

MARCUS HOWARD, KEVIN SHEPHARD, and
JULIUS ORVILLE HAYES,

Respondents.

In the Matter of K.C.H., M.M.H., and J.C.H.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARCUS HOWARD,

Respondent-Appellant,

and

KATHY ANN HENDERSON, KEVIN
SHEPHARD, and JULIUS ORVILLE HAYES,

UNPUBLISHED
March 6, 2003

No. 236995
Wayne Circuit Court
Family Division
LC No. 97-358599

No. 237091
Wayne Circuit Court
Family Division
LC No. 97-358599

Respondents.

Before: Jansen, P.J., and Hoekstra and Gage, JJ.

MEMORANDUM.

In these consolidated appeals, respondents-appellants appeal as of right from the order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), (j), and k(iii). We affirm.

We review for clear error the trial court's decision whether a statutory ground for termination was proven by clear and convincing evidence and its decision regarding a child's best interests. MCR 5.974(I); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Given that respondent-mother confessed to severe physical abuse of her five-month-old child, there was clear and convincing evidence supporting termination under § 19b(3)(k)(iii). Because only a single statutory ground is required to terminate parental rights, the trial court could have properly terminated respondent-mother's parental rights on this statutory basis alone. *In re Sours*, 459 Mich 624, 632; 593 NW2d 520 (1999). Furthermore, respondent-mother's claim that petitioner failed to provide adequate services during the four years this matter was pending is without merit.

Respondent-mother argues that the trial court failed to abide by the time requirements prescribed by MCR 5.974. However, as there is no sanction prescribed in the court rule, the failure to follow its time guidelines does not warrant reversal of the termination order. *In re Jackson*, 199 Mich App 22, 28-29; 501 NW2d 182 (1993); *In re Kirkwood*, 187 Mich App 542, 545-546; 468 NW2d 280 (1991).

Finally, there is no indication that an MCR 5.991 hearing was held in this matter or that respondent-mother requested such a hearing. Because the issue whether the termination decision was improperly delegated to the referee was not properly raised below, it is not properly before this Court.

With respect to respondent-father Howard, the trial court did not err in finding that clear and convincing evidence existed to support termination of his parental rights to his child M.M.H. under §§ 19b(3)(a)(ii), (c)(i), (g), and (j). The evidence clearly established that respondent-father Howard deserted the child for ninety-one or more days by failing to contact, provide for, or plan for him and was unable to provide proper care and custody at the time of trial. It was reasonable to conclude from such neglect that respondent-father Howard had failed to provide proper care or custody and would be unable to do so within a reasonable time. Other evidence, including his conviction of sexual abuse of a minor, established the likelihood that M.M.H. would be harmed if returned to respondent-father Howard's home.

Finally, considered in its entirety, the evidence did not show that termination of the parental rights of either respondent-appellant was clearly not in the children's best interests. *In re Trejo, supra* at 356-357.

Affirmed.

/s/ Kathleen Jansen

/s/ Joel P. Hoekstra

/s/ Hilda R. Gage